

OGC Has Reviewed

OGC 76-3848
13 July 1976

STATINTL MEMORANDUM FOR: OP/SPD

SUBJECT: Impact of Supreme Court Ruling on
Employment of Resident Aliens

1. The majority opinion in Hampton v. Moco Sun Wong, et al., 44 LW 4737, recognized that an "overriding national interest" or the need for undivided loyalty in certain sensitive positions may provide justification for a citizenship requirement in at least some parts of the Federal service. Agency positions would most certainly fall within this category. Accordingly, we have no objection to publication of the proposed ad or to a reply to Mr. Park advising him that the Agency's position on hiring noncitizens remains the same.

2. For your information, a bill was introduced in the Senate on 16 June 1976 (Senate Bill 3572) to statutorily reinstate the prohibitions against hiring noncitizens into the Civil Service.

STATINTL

Office of General Counsel
Operations and Management Law Division